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9 Attorneys for Defendant

10 SANYO NORTH AMERICA CORPORATION

11 UNITED STATES DISTRICT COURT

12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 JENS ERIK SORENSEN, as Trustee of  
14 SORENSEN RESEARCH AND  
15 DEVELOPMENT TRUST,

16 Plaintiff

17 v.

18 SANYO NORTH AMERICA  
19 CORPORATION, a Delaware Corporation;  
20 and DOES 1 – 100,

21 Defendants.

) Case No. 08-cv-0135 BTM (CAB)

) **DECLARATION OF SCOTT M.**  
) **DANIELS IN SUPPORT OF**  
) **DEFENDANT SANYO NORTH**  
) **AMERICA CORPORATION'S**  
) **MOTION TO STAY THE**  
) **LITIGATION PENDING**  
) **REEXAMINATION OF U.S.**  
) **PATENT NO. 4,935,184.**

) **Date: May 30, 2008**

) **Time: 11:00 a.m.**

) **Courtroom 15, Fifth Floor**

) **Hon. Barry Ted Moskowitz**

) **NO ORAL ARGUMENT UNLESS**  
) **REQUESTED BY THE COURT**

1 I, Scott M. Daniels, hereby declare as follows:

2 1. I am an attorney with the law firm of Westerman, Hattori, Daniels and Adrian,  
3 LLP, attorneys for Sanyo North America Corporation ("Sanyo"). I am licensed to practice  
4 law in the District of Columbia. I am filing contemporaneously with this declaration a  
5 petition for pro hac vice admission relating to this matter. The matters contained in this  
6 Declaration are of my personal knowledge and, if called as a witness, I could and would  
7 testify competently to the matters set forth herein.

8 2. Attached as Exhibit A is a true and correct copy the October 11, 2007 United  
9 States Patent and Trademark Office Order Granting Request For *Ex Parte* Reexamination  
10 of U.S. Patent No. 4,935,184 (Application No. 90/008,775).

11 3. Attached as Exhibit B is a true and correct copy the February 21, 2008 United  
12 States Patent and Trademark Office Order Granting Request For *Ex Parte* Reexamination  
13 of U.S. Patent No. 4,935,184 (Application No. 90/008,976).

14 4. Attached as Exhibit C is a true and correct copy of *Jens Erik Sorensen as*  
15 *Trustee of Sorensen Research and Development Trust v. Digital Networks North America,*  
16 *Inc. et al*, Case No. 07-05568 (N.D. Cal Jan. 16, 2008), Order Granting Defendant's Motion  
17 To Stay Proceedings Pending Reexamination Of Patent-In-Suit.

18 5. Attached as Exhibit D is a true and correct copy of *Jens Erik Sorensen as*  
19 *Trustee of Sorensen Research and Development Trust v. The Black & Decker Corp., et al.*,  
20 Case No. 06cv1572 (S.D. Cal. Sept. 10, 2006), Order (1) Denying Plaintiff's Motion For  
21 Reconsideration Of Denial Of Objections To Magistrate Judge's Order of April 9, 2007; (2)  
22 Granting Defendants' Motion For Reconsideration Of The Court's June 20, 2007 Order Re  
23 Bifurcation; (3) Granting In Part and Denying In Part Defendant's Motion to Stay; and (4)  
24 Denying Plaintiff's Motion For Partial Summary Judgment As Premature.

25 6. Attached as Exhibit E is a true and correct copy of the July 30, 2007 Information  
26 Disclosure Statement in the reexamination Application No. 09/008,775.

27 7. Attached as Exhibit F is a true and correct copy of the December 21, 2007  
28 Information Disclosure Statement in the reexamination Application No. 09/008,976.

1           8. Attached as Exhibit G is a true and correct excerpt of the July 30, 2007 Request  
2 For *Ex Parte* Reexamination Transmittal Form for Application No. 09/008,775.

3           9. Attached as Exhibit H is a true and correct copy of *Jens Erik Sorensen as*  
4 *Trustee of Sorensen Research and Development Trust v. Energizer Holdings, Inc.. et al*,  
5 Case No. 3:07-cv-2321-BTM-CAB (S.D. Cal Mar. 19, 2008), Order Granting Defendant's  
6 Motion To Stay Pending Reexamination Proceedings.

7           10. Attached as Exhibit I is a true and correct copy of *Jens Erik Sorensen as Trustee*  
8 *of Sorensen Research and Development Trust v. Esseplast (USA) NC, Inc. et al.*, Case No.  
9 3:07-cv-2277-BTM-CAB (S.D. Cal Mar. 19, 2008), Order Granting Defendant's Motion  
10 To Stay Pending Reexamination Proceedings.

11           11. Attached as Exhibit J is a true and correct copy of *Jens Erik Sorensen as Trustee*  
12 *of Sorensen Research and Development Trust v. Giant Intl., Inc. et al.*, Case No. 3:07-cv-  
13 2121-BTM-CAB (S.D. Cal Feb. 28, 2008), Order Granting Defendant's Motion To Stay  
14 Pending Reexamination.

15           12. Attached as Exhibit K is a true and correct copy of *Jens Erik Sorensen as*  
16 *Trustee of Sorensen Research and Development Trust v. Helen of Troy Texas Corp. et al.*,  
17 Case No. 3:07-cv-2278-BTM-CAB (S.D. Cal Feb. 28, 2008), Order Granting Defendant's  
18 Motion To Stay Pending Reexamination.

19           13. Attached as Exhibit L is a true and correct copy of *USPTO Oversight Hearing:*  
20 *Hearing before the Subcomm. on Courts, the Internet, and Intellectual Property*, 110<sup>th</sup>  
21 Cong. (Feb. 27, 2008) (statement of Jon Dudas, Under Secretary of Commerce for  
22 Intellectual Property and Director of the United States Patent Office).

23           14. Attached as Exhibit M is a true and correct copy of the Transaction History and  
24 Status of *Ex Parte* Reexamination Application No. 90/008,775, accessed from the PAIR  
25 system of April 2, 2008.

26           15. Attached as Exhibit N is a true and correct copy of the Transaction History and  
27 Status of *Ex Parte* Reexamination Application No. 90/008,976, accessed from the PAIR  
28 system of April 2, 2008.

1           16. Attached as Exhibit O is a true and correct copy of a March 4, 2008 e-mail from  
2 Melody A. Kramer, counsel for Sorensen, to Doug Carsten, co-counsel for Sanyo.

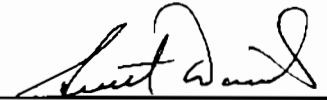
3           17. Attached as Exhibit P is a true and correct copy of a March 4, 2008 e-mail from  
4 Doug Carsten, co-counsel for Sanyo, to Melody A. Kramer, counsel for Sorensen.

5           18. Attached as Exhibit Q is a true and correct copy of a March 5, 2008 e-mail from  
6 Melody A. Kramer, counsel for Sorensen, to Doug Carsten, co-counsel for Sanyo.

7           19. Attached as Exhibit R is a true and correct copy of an April 1, 2008 email from  
8 Doug Carsten, co-counsel for Sanyo, to Melody A. Kramer, counsel for Sorensen.

9           20. Attached as Exhibit S is a true and correct copy of an April 1, 2008 email from  
10 Melody A. Kramer, counsel for Sorensen, to Doug Carsten, co-counsel for Sanyo.

11           I declare under penalty of perjury under the laws of the United States of America, that  
12 the foregoing is true and correct. Executed on this 9th day of April, 2008 at Washington,  
13 District of Columbia.

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15 Scott M. Daniels  
16 Westerman, Hattori, Daniels & Adrian,  
17 LLP  
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